

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

vs.

CASE NO. 3:00CR00035-01 (JAF)

JOSE M. TORRES-MORALES

\* \* \* \* \*

MOTION NOTIFYING VIOLATIONS OF  
SUPERVISED RELEASE CONDITIONS AND THE REQUEST  
FOR THE ISSUANCE OF A WARRANT

TO THE HONORABLE JOSE A. FUSTE  
CHIEF U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO

COMES NOW, Martín De Santiago, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, José M. Torres-Morales, who on November 1, 2000, was sentenced to seventy (70) months of imprisonment and five (5) years supervised release. The following special conditions of release were imposed: not committing any crimes, federal, state or local; no unlawful possession of controlled substances and firearms, refraining from any unlawful use of a controlled substance, drug testing, and treatment, if warranted. On April 9, 2004, he was released from custody and his five-year supervised release term commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE  
AS FOLLOWS:

Since his release from custody, the offender has violated the following supervision conditions:

1. CONDITION NO. 3 - "YOU SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER."

Mr. Torres-Morales has not been forthcoming as to his use of controlled substances.

**2. SPECIAL CONDITION NO. 3 - "YOU SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE AND SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE ON SUPERVISED RELEASE, AT LEAST TWO (2) PERIODIC TESTS THEREAFTER, AND WHENEVER REQUESTED BY THE U.S. PROBATION OFFICER. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THAT THE DEFENDANT PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED AND APPROVED BY THE U.S. PROBATION OFFICE UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER."**

The offender tested positive to the use of marijuana on July 9, 2004 and November 10 and 15, 2005. Mr. Torres-Morales voluntarily admitted to the aforementioned first positive drug test, but he adamantly denies the two most recent positive drug tests.

**WHEREFORE,** I declare under a penalty of perjury that the foregoing is true and correct, and it is respectfully requested, unless ruled otherwise, that a warrant of arrest be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 13<sup>th</sup> day of December 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Martin De Santiago  
Martin De Santiago  
U.S. Probation Officer  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that on December 13, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Rose M. Vega, Assistant U.S. Attorney, and Teodoro Mendez-Lebron, Esq.

In San Juan, Puerto Rico, this 13<sup>th</sup> day of December 2005.

s/Martin De Santiago

Martin De Santiago

U.S. Probation Officer

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